



There will be no further continuances.

Entered on Docket
October 29, 2008

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

In re:
USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

In re:
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
Debtor.

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

In re:
USA SECURITIES, LLC,
Debtor.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☒ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

Case No. BK-S-06-10725 LBR
Case No. BK-S-06-10726 LBR
Case No. BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under
Case No. BK-S-06-10725-LBR

**STIPULATION AND ORDER TO
CONTINUE HEARING ON
MOTION TO QUASH
SUBPOENAS**

Date of Hearing: October 28, 2008

Time of Hearing: 9:30 a.m.

This stipulation is made by and between USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC, by and through its counsel SNELL & WILMER L.L.P., and ROBERT A. RUSSELL, individually and as agent for UNSER/CENTRAL PARTNERS, LLP; RUSSELL/AD DEVELOPMENT GROUP; INTERSTATE COMMERCE CENTER, LLC; AD ALBUQUERQUE DEVELOPMENT, LLC (collectively, with Russell, the "Russell Entities"), by and through his/their attorneys, SUSAN WILLIAMS SCANN, ESQ. of the law firm of DEANER, DEANER, SCANN, MALAN & LARSEN, and SCOTT A. MCGATH, Esq. of the law firm of OVERTURF MCGATH HULL & DOHERTY, PC, as follows:

1. On April 10, 2008, the Russell Entities filed an Objection to Notices of 2004 Examinations, Motion to Quash Subpoenas and or for Protective Order and Motion for Limitation of Rule 2004 Examinations [Docket No. 6176] (the "Motion"), with hearing initially scheduled for May 8, 2008.

2. The hearing on the Motion was initially continued to July 14, 2008. *See* May 8, 2008 Minute Order [Docket No. 6378].

3. The hearing on the Motion was then continued to August 26, 2008 pursuant to a stipulation and order entered on July 14, 2008. *See* July 14, 2008 Stipulation to Continue Hearing on Motion to Quash Subpoenas and or For Protective Order and Motion for Limitation of Rule 2004 Examination [Docket No. 6518].

4. The hearing on the Motion was again continued to October 28, 2008 pursuant to a stipulation and order entered on August 26, 2008. *See* August 26, 2008 Stipulation to Continue Hearing on Motion to Quash Subpoenas [Docket No. 6562].

5. The parties are attempting to resolve their dispute and agree to continue the hearing on the Motion to January 22, 2009 at 9:30 a.m..

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1 **IT IS SO ORDERED.**

2 SNELL & WILMER L.L.P.

DEANER, DEANER, SCANN, MALAN &
LARSEN

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13 RESPECTFULLY SUBMITTED BY:

14 SNELL & WILMER L.L.P.

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